



DECISION ON ADMISSIBILITY

Case no. CH/00/3705

Miroslav MARČETIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 11 May 2000 with the following members present:

Ms. Michèle PICARD, President
Mr. Andrew GROTRIAN, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ

Mr. Anders MÅNSSON, Registrar
Ms. Olga KAPIĆ, Deputy Registrar

Having considered the aforementioned application introduced pursuant to Article VIII(1) of the Human Rights Agreement ("the Agreement") set out in Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina;

Adopts the following decision pursuant to Article VIII(2)(c) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant is a displaced person from Sanski Most in the Federation of Bosnia and Herzegovina. He temporarily occupies a house in Banja Luka. He claims that his right to use the house is based on a decision issued by the Ministry for Refugees and Displaced Persons in Banja Luka (the exact date of decision has not been supplied by the applicant). On 5 January 2000 the Ministry issued a decision ordering the return of the house into the possession of the owner and terminating the applicant's right to use it.

2. On 7 August 1998 the Department for Spatial Planning and Environment of Municipality Sanski Most issued a decision confirming that the applicant was the holder of the occupancy right over an apartment situated in Sanski Most and terminating the right of the current user of that apartment to occupy it. On 15 December 1999 the applicant requested the enforcement of that decision. On 21 February 2000 he requested that the case be dealt with urgently. However, the eviction of the current user of the above has not yet taken place.

II. COMPLAINT

3. The applicant alleges violations of his rights protected by Articles 6 and 8 of the European Convention on Human Rights and Article 1 of Protocol No. 1 to the Convention.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 28 March 2000 and registered on the same date. The applicant requested the Chamber to order a provisional measure in order to stop his eviction from the house in Banja Luka. On 3 April 2000 the Chamber refused this request.

IV. OPINION OF THE CHAMBER

5. Before considering the merits of the case the Chamber must decide whether to accept it, taking into account the admissibility criteria set out in Article VIII(2) of the Agreement. Accordingly to Article VIII(2)(c) the Chamber shall dismiss any application which it considers manifestly ill-founded.

6. The Chamber notes that the applicant has made his complaints in relation to the house in Banja Luka and the apartment in Sanski Most. His complaints are thus directed against the Republika Srpska and the Federation of Bosnia and Herzegovina respectively. In the present decision, the Chamber is considering only the complaint which is directed against the Republika Srpska, i.e. concerning the house in Banja Luka. The applicant's complaints concerning the apartment in Sanski Most will be dealt with under case no. CH/00/3736.

7. The Chamber notes that the applicant's right to use the house in Banja Luka was only of a temporary nature. The Ministry for Refugees and Displaced Persons has ordered its return to the owner. In these circumstances the Chamber cannot find that the applicant's rights as protected by the Agreement have been violated.

8. Accordingly, the Chamber decides not to accept the portion of the application directed against the Republika Srpska, it being manifestly ill-founded within the meaning of Article VIII(2)(c) of the Agreement.

V. CONCLUSION

9. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel